

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

G.E.S., )  
              )  
Plaintiff, )  
              )  
vs.           ) Case No.: 4:24-CV-01412  
              )  
CITY OF FLORISSANT, )  
              )  
and           ) )  
OFFICER JULIAN ALCALA, )  
              )  
Defendants. )

***DEFENDANT CITY OF FLORISSANT, MISSOURI'S  
MEMORANDUM IN SUPPORT OF ITS UNOPPOSED THIRD  
MOTION TO CONSOLIDATE CASES FOR PURPOSES OF  
DISCOVERY***

COMES NOW, Defendant City of Florissant, Missouri ("City"), and for its Memorandum in Support of its Unopposed Third Motion to Consolidate Cases for Purposes of Discovery, and pursuant to Fed. R. Civ. P. 42 and E.D.Mo. L.R. 4.03, states:

**I. INTRODUCTION**

On February 7, 2025, this Court entered an Order Cases (Doc. 37) for purposes of discovery regarding this case and Case Numbers 4:24-CV-01445-JSD; 4:24-CV-01528-JSD; 4:24-CV-01571-JSD; 4:25-CV-00073-JSD. The Court found the cases are related.

On February 17, 2025, now subject to a Motion for Leave to Amend and Amended Complaint, where Plaintiff A.T. in Case Number 4:25-cv-00193 is attempting to sue the City of Florissant, Missouri, and Julian Alcala purporting to raise five federal counts and two state counts

arising out of an alleged vehicle stop by Mr. Alcala in February 2024. Plaintiff alleged Mr. Alcala requested proof of insurance during the vehicle stop, took Plaintiff's smartphone back to his vehicle, found a nude picture of Plaintiff, and either used his phone to take a picture of said picture or transferred the image to his phone. This Plaintiff has purported to raise the following counts:

- I. 42 U.S.C. § 1983 – Fourth Amendment – Unreasonable Search against Defendant Alcala;
- II. 42 U.S.C. § 1983 – Fourteenth Amendment Right to be Free From Unreasonable Seizure against Defendant Alcala;
- III. 42 U.S.C. § 1983 – Fourteenth Amendment Right of Privacy against Defendant Alcala;
- IV. 42 U.S.C. § 1983 – Fourteenth Amendment Right to Due Process against Defendant Alcala;
- V. 42 U.S.C. § 1983 – Failure to Train, Supervise, Control, and/or Discipline (*Monell*) against the City;
- VI. Negligence against Alcala; and
- VII. RSMo § 571.110 – Nonconsensual Dissemination of Private Sexual Images against Defendant Alcala.

*See gen.*, 4:25-CV-00193-JSD, Doc. 21-1. The City's response is currently due on June 27, 2025, based on waiver of service and extension.

## **II. STANDARD**

As U.S. District Judge Henry Autrey recently stated:

Rule 42(a) of the Federal Rules of Civil Procedure governs consolidation of cases and provides: “[i]f actions before the court involve common questions of law or fact, the court may (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). A district court has broad discretion in determining whether to order consolidation. *Enter. Bank v. Saettele*, 21 F.3d 233, 235 (8th Cir. 1994). While the threshold issue is whether the

proceedings involve common issues of fact or law, the Eighth Circuit Court of Appeals has instructed that the purpose of consolidation is to promote convenience and economy in the administration of actions. *Id.*

*Jordan v. Bell*, 4:21-CV-1242 HEA, 2024 WL 4381180, at \*1 (E.D. Mo. Oct. 2, 2024); *see Barnes v. Winson*, 1:22-CV-00128-JAR, 2022 WL 17338292, at \*2 (E.D. Mo. Nov. 30, 2022) (Ross, J.).

### III. DISCUSSION

This Court should consolidate the additional cause of action with this matter and the other four causes of action as the proceedings involve common issues of fact and law.

In *Jordan v. Bell*, the Court found consolidation of two 42 U.S.C. § 1983 actions for alleged violations of plaintiffs civil rights. 2024 WL 4381180, at \*1 (E.D. Mo. Oct. 2, 2024)

With respect to questions of fact and pertaining to the City, the additional action purports to allege *Monell* liability against the City under 42 U.S.C. § 1983. *See* 4:25-CV-00193-JSD, Doc. 21-1 ¶¶ 42–54. All surround the same general allegations of fact, though the alleging plaintiff differs: Mr. Alcala allegedly conducted a traffic stop, requested proof of insurance, took the phone to his cruiser, and obtained sexually explicit photographs from the respective plaintiff's phone from his own phone.

With respect to questions of law, the cases share the same questions posed under the Fourth and Fourteenth Amendments (as well as *Monell*). The issues governing what discovery may be appropriate under *Monell*, for example, will be identical. Consistency and consolidation would positively impact judicial economy and save time and effort of the parties in exchanging discovery. Aside from the different plaintiffs raising claims, there is very little alleged to be different among the causes of action, as this Court has previously determined. Doc. 37. Further, this Court is already presiding over all five causes of action.

### IV. CONCLUSION

WHEREFORE, the City respectfully requests that this Court enter an Order consolidating 4:25-cv-00193 with 4:25-CV-00073-JSD, 4:24-CV-01445, 4:24-CV-01528, and 4:24-cv-01571 under the lowest case number of 4:24-CV-01412 pursuant to E.D.Mo. L.R. 4.03 for purposes of discovery, and for such further this Court deems just and proper.

/s/ Robert T. Plunkert

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I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following or U.S. mail for parties not registered with CM/ECF, on this 13th day of June, 2025:

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